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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,432	07/02/2001	Hiroaki Shinohara	50R4612	1908

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09/20/2005

EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/898,432	SHINOHARA, HIROAKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 8-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **Response to Arguments**

The OFFICIAL NOTICE to the fact that firms target services, products, programs based on user profiles to interested parties that are more likely to use them was not adequately traversed and is accordingly taken as an admission of the fact. In particular, applicant's arguments state that 'sending, to a marketing entity, a viewer profile with preferences derived from biologic signals sensed at a PVR' was not known; however the official notice was directed towards firms target services, products, programs based on user profiles to interested parties that are more likely to use them.

### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1, 3-6, 9-18, 20-27, and 29 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Sezan (6236395).**

As to claim 1, Sezan discloses:

A system for screening televised content for display on a TV, comprising: a TV ('television set' [4, 3-19]);

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a personal video recorder (PVR) including at least one disk drive and at least one processor coupled to the TV and receiving televised content ('The proposed description schemes can be incorporated into current products similar to those from TiVo and Replay TV' [13, 8-25]; TiVo is a PVR and includes a disk drive and includes a disk drive),

the processor accessing a biological characteristic recognition module to screen televised content (the PVR includes a processor in order to control the system; 'user-voice identification technology' [11, 23-42]);

and a database accessible to the processor of the PVR and updatable with information available on a wide area network, wherein the processor determines whether to allow presentation of televised content on the TV based on an output of the recognition module ('user-voice identification technology' [11, 23-67]; [12, 56-65]; the 'user description scheme can be updated dynamically' [11, 42-50]; 'the user description scheme may be transported over the network' [11, 23-42]; 'the system can discover programs that fit the taste of the user, alert the user about such programs, and/or record them autonomously...can also manage the storage in the system according to the user description scheme...according to user's preferences and history; the user profile is retrieved corresponding to the user's identification data, which then determines what content is to be shown, which is effectively the claimed using of recognition module output to determine allowable presentation).

As to claim 3, Sezan discloses:

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the processor associates the output of the recognition module with at least one viewer profile stored in a database accessible to the processor ('the system holds user description schemes for multiple users in storage' [11, 23-50]).

As to claim 4, Sezan discloses:

the processor associates at least some viewer preferences with at least one viewer profile using the output of the recognition module ('user description scheme holds user's preferences users and usage history' [11, 50-67]).

As to claim 5.

at least one viewer preference is a channel selection ([21, 30-40]; [22, 19-62]).

As to claim 6.

the televised content is at least one commercial or TV program ('ABC's 20/20 show' [9, 34-67]).

As to claim 9.

the recognition module is a voice recognition module 'user-voice identification technology' [11, 23-42]).

As to claim 10, Sezan discloses:

A method for determining at least one content to display on a TV, comprising: receiving the content ; receiving at least one viewer biological signal ('user-voice identification technology' [11, 23-67]; [12, 56-65]; the 'user description scheme can be updated

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dynamically' [11, 42-50]; 'the user description scheme may be transported over the network' [11, 23-42]; 'the system can discover programs that fit the taste of the user, alert the user about such programs, and/or record them autonomously...can also manage the storage in the system according to the user description scheme...according to user's preferences and history; the user profile is retrieved corresponding to the user's identification data, which then determines what content is to be shown, which is effectively the claimed using of recognition module output to determine allowable presentation);

at a personal video recorder (PVR) having at least one disk drive and at least one processor ('The proposed description schemes can be incorporated into current products similar to those from TiVo and Replay TV' [13, 8-25]; TiVo is a PVR and includes a disk drive),

based on the biological signal, determining whether to display the content ('user-voice identification technology' [11, 23-67]; [12, 56-65]; the 'user description scheme can be updated dynamically' [11, 42-50]; 'the user description scheme may be transported over the network' [11, 23-42]; 'the system can discover programs that fit the taste of the user, alert the user about such programs, and/or record them autonomously...can also manage the storage in the system according to the user description scheme...according to user's preferences and history; the user profile is retrieved corresponding to the user's identification data, which then determines what content is to be shown, which is effectively the claimed using of recognition module output to determine allowable presentation).

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As to claim 11, Sezan discloses:

establishing at least one viewer file; and associating the biological signal with the viewer file ([11, 23-67]).

As to claim 12, Sezan discloses:

a viewer profile is associated with the biological signal, and the biological signal is a vocal signal ('user-voice identification' [11, 23-67]).

As to claim 13, Sezan discloses:

the viewer profile is established at least in part by information input by a person ('user-voice identification' [11, 23-67]).

As to claim 14, Sezan discloses:

the viewer profile is established at least in part by classifying the vocal signal and comparing the classified vocal signal with at least one predetermined profile ('user-voice identification technology' [11, 23-67]).

As to claim 15, Sezan discloses:

the act of determining uses the viewer profile ('user-voice identification technology' [11, 23-67]; [12, 56-65]; the 'user description scheme can be updated dynamically' [11, 42-50]; 'the user description scheme may be transported over the network' [11, 23-42]; 'the system can discover programs that fit the taste of the user, alert the user about such programs, and/or record them autonomously...can also manage the storage in the

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system according to the user description scheme...according to user's preferences and history; the user profile is retrieved corresponding to the user's identification data, which then determines what content is to be shown, which is effectively the claimed using of recognition module output to determine allowable presentation).

As to claim 16, Sezan discloses:

associating at least one viewer preference with the viewer profile (the limitations are included and met as previously discussed in claim 4).

As to claim 17.

at least one viewer preference is a channel selection (the limitations are included and met as previously discussed in claim 5).

As to claim 18, Sezan discloses:

the content is at least one commercial or TV program (the limitations are included and met as previously discussed in claim 6).

As to claim 20, Sezan discloses:

storing the content for playback on the TV based on determining whether to allow presentation of the content based on the vocal signal ([11, 23-67]).

As to claim 21, Sezan discloses:

A system, comprising: a TV; biological recognition means; processor means accessing the biological recognition means for establishing what content is displayed on the



TV, wherein the processor means is associated with a personal video recorder (PVR)  
(the limitations are included and met as previously discussed in claim 1).

As to claim 22, Sezan discloses:

the processor means includes means for associating a viewer profile with a voice, and  
the biological recognition means is a voice recognition means (the limitations are  
included and met as previously discussed in claim 12).

As to claim 23, Sezan discloses:

the viewer profile is established at least in part by information input by a person (the  
limitations are included and met as previously discussed in claim 13).

As to claim 24, Sezan discloses:

the viewer profile is established at least in part by classifying a vocal signal and  
comparing the classified vocal signal with at least one predetermined profile (the  
limitations are included and met as previously discussed in claim 18).

As to claim 25, Sezan discloses:

the processor means includes means for associating at least one viewer preference  
with the viewer profile (the limitations are included and met as previously discussed in  
claim 16).

As to claim 26.

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at least one viewer preference is a channel selection (the limitations are included and met as previously discussed in claim 17).

As to claim 27.

the content is at least one commercial or TV program (the limitations are included and met as previously discussed in claim 18).

As to claim 29, Sezan discloses:

means for storing the content for playback on the TV based on determining whether to allow presentation of the content (the limitations are included and met as previously discussed in claim 20).

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 8, 19, and 28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sezan et al. (6236395).**

As to claim 8,

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Although Sezan does not specifically 'a processor sending at least one viewer profile with preferences to at least one marketing entity,' applicant admission of fact provides evidence it is notoriously well known in the art to allow firms to target services, products, programs based on user profiles to interested parties that are more likely to use them. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sezan to send viewer profile preferences to marketing entities for subsequent use.

As to claim 19.

(the limitations are included and met as previously discussed in claim 8).

As to claim 28, Sezan discloses:

(the limitations are included and met as previously discussed in claim 8).

#### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- Barton (6233389) is directed towards a multimedia time warping system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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